IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1475 OF 2007

Jatinder Singh Aujla ..Petitioner

Vs.

1. EBG India Pvt. Ltd. and anr. ..Respondents

Mr. Patil Balbheem S. & L.R. Mehta for petitioner.
Mr. A.S. Shitole, APP for State.

CORAM: B.H. MARLAPALLE, J.

Date : July 16, 2007.

P.C.:

1. Heard Mr. Patil the learned counsel for the petitioner who has been impleaded as accused no.2 in Summary Criminal Case Nos.3549/02 and 3550/02 filed before the learned Judicial Magistrate, First Class at Nasik. The learned Magistrate was pleased to issue process against the petitioner on 30/7/2002 and the same was challenged in Criminal Revision Application Nos.533 and 534 of 2004. The petitioner's Criminal Revision Application, which was filed on 28/5/2004 i.e. after two years from the date of order of process, came to be dismissed by the learned Sessions

Judge on 29/4/2005 and this application has been filed after more than two years.

2. Admittedly, the petitioner is the Executive Director of the accused no.1-Company who had issued cheques in favour of the complainant-Company and the cheques were dishonoured. It is submitted by the learned counsel for the petitioner that the petitioner did not sign the dishonoured cheques and, therefore, he cannot be held liable. These submissions are dehors the scheme of Section 141 of the Negotiable Instruments Act, 1881 and the petitioner being the Executive Director of the accused no.1-Company, prima facie, he is responsible for the day to day affairs of the accused no.1-Company. The revision court has rightly rejected the prayer for setting aside the process issued against the petitioner.

3. The application is rejected summarily.

(B.H. Marlapalle,J.)